

**C.C.R.B CASE CLOSING FORM**

Investigator assigned:		Team:	CCRB#:	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Discourtesy  <input checked="" type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input checked="" type="checkbox"/> Injury
L. Öhman		3	9900339	
Date of incident:	Time of incident:	Location of incident:	Pct. of occurrence:	Date S.O.L. Expires:
1/21/99	2:45 PM	F/O § 87(2)(b) Staten Island	120	7/21/00
Date reported:	Time reported:	To whom/where/how reported:  Complaint was made in person at the 120th Precinct		
Complainant:		Home address:		
§ 87(2)(b)		§ 87(2)(b)		
Victim(s):		Home address:		
§ 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)		§ 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)		
Witness(es):		Home address:		
§ 87(2)(b) § 87(2)(b)		§ 87(2)(b) § 87(2)(b)		
Subject officer(s) (include rank):		Shield:	Tax:	Command:
Officer Victor Villarreal		6234	899957	Narc. Div. - Staten Island Init.
Officer Andrew Lapointe		9682	914117	Narc. Div. - Staten Island Init.
Officer Brian Ebanks		8843	900303	Narc. Div. - Staten Island Init.
Detective Joseph Gulotta		4883	900369	Narc. Div. - Staten Island Init.
Lieutenant Dennesopolis		0000	886835	Narc. Div. - Staten Island Init.
Officer John Kelly		30362	904253	Narc. Div. - Staten Island Init.
Witness officer(s) (include rank):		Shield:	Tax:	Command:
None				

Allegations, by letter:	Recommendations:
A. Abuse of Authority: Lieutenant John Denesopolis detained § 87(2)(b)	A. § 87(2)(g)
B. Abuse of Authority: Lieutenant John Denesopolis detained § 87(2)(b)	B. § 87(2)(g)
C. Abuse of Authority: Officer Victor Villarreal searched § 87(2)(b)	C. § 87(2)(g)
D. Abuse of Authority: Officer Victor Villarreal searched § 87(2)(b)	D. § 87(2)(g)
E. Abuse of Authority: An officer searched § 87(2)(b)	E. § 87(2)(g)
F. Abuse of Authority: An officer searched § 87(2)(b)	F. § 87(2)(g)
G. Discourtesy: Officer Brian Ebanks spoke obscenely towards § 87(2)(b)	G. § 87(2)(g)
H. Force: Officer Villarreal used physical force against § 87(2)(b)	H. § 87(2)(g)
I. Abuse of Authority: Detective Joseph Gulotta did not provide his shield number.	I. § 87(2)(g)
J. Abuse of Authority: Officer James Kelly did not provide his shield number.	J. § 87(2)(g)
K. Abuse of Authority: Officer Victor Villarreal did not provide his shield number.	K. § 87(2)(g)
L. Abuse of Authority: Officer Brian Ebanks did not provide his shield number.	L. § 87(2)(g)
M. Abuse of Authority: Officer Andrew Lapointe did not provide his shield number.	M. § 87(2)(g)
N. Discourtesy: Officer Lapointe spoke obscenely towards § 87(2)(b)	N. § 87(2)(g)
O. Abuse of Authority: Officer Lapointe did not obtain medical treatment for § 87(2)(b)	O. § 87(2)(g)

### Synopsis

During the course of a narcotics investigation, a Narcotics Division - Staten Island Initiative field team stopped two individuals. When the complainant arrived to the location and saw the two individuals detained, he began to question the officers. Allegations were made that the officers cursed him during the course of this interaction. Subsequently, the complainant was arrested. As an officer was affecting his arrest, his son went to take property from him. In order to make the son let go of the item, an officer allegedly grabbed his neck and squeezed it, piercing the skin. § 87(2)(g)

### Summary of Complaint

On January 29, 1999, § 87(2)(b) appeared at the CCRB. He brought a hand written statement (encl. 4a-g) pertaining to the incidents on January 12, 1999 (the exact date that he wrote it is unknown). The statement reads that when § 87(2)(b) told the officers to stop hassling his kids in front of § 87(2)(b) an officer said "Shut the fuck up" and "Mind your fucking business." Then, as § 87(2)(b) approached the scene, an officer who told him that he was a lieutenant tapped him with his radio on the chest. Another officer, later identified to be Officer Kelly, told him that there had been a call of shots fired over the radio, and that his sons fit the description. § 87(2)(b) asked this officer to show him his shield and he refused. § 87(2)(b) states that an officer grabbed § 87(2)(b) neck and squeezed it. After § 87(2)(b) was handcuffed, an officer, identified as Officer Ebanks, brought him to the van. Although § 87(2)(b) tried to tell Officer Ebanks that he had just had surgery to his knee, the officer told him "Fuck your knee" and to stop resisting. Once inside the prisoner van, § 87(2)(b) asked the van driver, identified as Officer Lapointe, to take him to the hospital. However, Officer Lapointe said, "Fuck your knee and your cartilage" and refused to take him to the hospital.

During the interview, § 87(2)(b) and the other civilian witnesses, used the names of Officer Ebanks, Officer Lapointe and Officer Villarreal, which § 87(2)(b) had been able to obtain at the 120<sup>th</sup> Precinct, during their initial interview statement. However, because photo arrays are more conclusive, the civilian statements include the names of the officers based on the results of the photo viewings. These were later clarified as two photo arrays were conducted: one on June 15, 1999 and another on August 10, 1999. On June 15, 1999, § 87(2)(b) § 87(2)(b) and Ms. § 87(2)(b) were all shown single photos of the officers from

the field team. On August 10, 1999, the witnesses were shown photo arrays of the officers. [Reports of these viewings are grouped with the interview statements].

In his CCRB interview statement, § 87(2)(b) said that on January 12, 1999, he and his son § 87(2)(b) went to pick up his other son, § 87(2)(b) and his nephew § 87(2)(b) at § 87(2)(b). As he pulled up, he saw four men, whom he later learned to be officers, stop § 87(2)(b) and § 87(2)(b) and place them against the small wall in front of the house (encl. 44a). He asked them what they were doing; Officer Ebanks (as identified from a photo array on June 15, 1999) said, "Shut the fuck up" and "Mind your fucking business." Lieutenant Denesopolis (identified from a photo array on June 15, 1999 and reiterated on August 10, 1999) approached him and tapped him on the chest with his radio. Meanwhile, two officers brought § 87(2)(b) and § 87(2)(b) around the corner, toward § 87(2)(b) (photo #2, encl. 44a). It is unclear who these officers are, because on June 15, 1999, § 87(2)(b) stated that Officer Villarreal, Officer Ebanks and Detective Gulotta brought § 87(2)(b) and § 87(2)(b) around the corner. § 87(2)(b) kept asking questions and an unidentified officer said, "Shut the fuck up." § 87(2)(b) answered, "You're a fucking asshole. In front of § 87(2)(b) Officer Kelly (identified from a photo array on August 10, 1999) told § 87(2)(b) that the officers had heard a radio call of shots fired and that the boys fit the description of the suspects. On June 15, 1999 and August 10, 1999, § 87(2)(b) said that neither Officer Kelly nor his partner Officer Lapointe were in front of § 87(2)(b) when § 87(2)(b) and § 87(2)(b) were stopped.

In front of § 87(2)(b), Officer Ebanks approached § 87(2)(b) and handcuffed him (identified from photos on June 15, 1999 and on August 10, 1999). § 87(2)(b) asked his son § 87(2)(b) to get his car keys and his medication from his pocket. An unidentified officer said that it was all right to get the keys, but another unidentified officer said that it was not. As § 87(2)(b) took the keys and medication two officers approached him. On June 15 and on August 10, § 87(2)(b) recognized Detective Gulotta as the officer who held § 87(2)(b) arms, and Officer Villarreal as the officer who grabbed § 87(2)(b) throat, puncturing his skin. § 87(2)(b) told Officer Villarreal to stop, but unidentified officers replied "Fuck you." § 87(2)(b) let the keys drop. Officer Ebanks brought § 87(2)(b) to the prisoner van and placed him into the van.

In the prisoner van, § 87(2)(b) asked the van driver, identified to be Officer Lapointe from photo arrays as well as Officer Lapointe's own statement that he drove the van on January 12, 1999, to take him to the hospital. Officer Lapointe refused and said, "Fuck your knee" and "Fuck your civil rights." Officer Kelly did not say anything. On June 15, 1999, § 87(2)(b) said that Officer Kelly did curse him, but he could not recall which words he used. At that time, he also added that while the officers cursed him there was only one other prisoner in the van (white male, long hair, 30's). From the 120<sup>th</sup> Precinct, Officer Villarreal and Officer Lapointe took § 87(2)(b) to the hospital, where he was treated for his knee. § 87(2)(b) was arrested for § 87(2)(a) 160.50 § 87(2)(b) (encl. 28a, 29a). § 87(2)(b)

§ 87(2)(b) is filing a civil suit against the City of New York. Per telephone on February 18, 2000 his lawyer § 87(2)(b) stated that no papers have been filed regarding the suit, as of yet.

#### Results of Investigation

§ 87(2)(b) § 87(2)(b) and § 87(2)(b)  
§ 87(2)(b) § 87(2)(b) and § 87(2)(b) filled out civilian complaint report on January 21, 1999.  
§ 87(2)(b) alleged that and unidentified officer told § 87(2)(b) to "Shut the fuck up" and "Mind your fucking business," and that when § 87(2)(b) asked officers for badge numbers, they said "No." § 87(2)(b)  
§ 87(2)(b) held that he was searched. § 87(2)(b) stated that an unidentified officer grabbed onto his neck, while

another held his arms until he dropped the keys and wallet.

On January 29, 1999, § 87(2)(b) and § 87(2)(b) provided statements to the CCRB. As they were exiting § 87(2)(b) Officer Villarreal, who was identified by photo on June 15, 1999 and August 10, 1999, stopped and searched them. They said that they had been inside all day. While both held that a second officer also searched them, there was some disagreement as to who that was. § 87(2)(b) stated that the second officer was Detective Gulotta, and § 87(2)(b) said it was Officer Lapointe. This created further confusion, in that § 87(2)(b) held that Officer Lapointe was not in front of § 87(2)(b). According to § 87(2)(b) Officer Ebanks did not search anyone. As both were being detained, § 87(2)(b) arrived § 87(2)(b) and asked what was going on. Lieutenant Denesopolis approached him and All three held that Officer Ebanks told § 87(2)(b) to "Shut the fuck up" and "Mind your fucking business." Two officers, Officer Villarreal and an unidentified officer, brought § 87(2)(b) to the front § 87(2)(b) (photo 2, encl. 44a) and searched him again. § 87(2)(b) walked around the corner, to § 87(2)(b) Officer Villarreal searched him again.

In front of § 87(2)(b) Officer Ebanks handcuffed § 87(2)(b). After some confusion involving § 87(2)(b) § 87(2)(b)'s property, Officer Villarreal (identified on June 15, 1999 and picked out of a photo array on August 10, 1999) grabbed § 87(2)(b) throat piercing his skin with his nails, in order to make him let go of § 87(2)(b)'s keys. § 87(2)(b) said that it felt as though Officer Villarreal tried to "pull my Adam's apple out of my throat." Another unidentified officer held his arms. § 87(2)(b) stated that shortly thereafter, Officer Ebanks led § 87(2)(b) to the prisoner van. When § 87(2)(b) told him that he had just had surgery on his leg; Officer Ebanks said "Fuck your leg" and "Fuck your cartilage." The § 87(2)(b) family went to the 120<sup>th</sup> Precinct and waited for § 87(2)(b), § 87(2)(b) and § 87(2)(b). said that when § 87(2)(b) asked Officer Villarreal for his badge number he refused to give it to her.

§ 87(2)(b)  
§ 87(2)(b) said that he exited § 87(2)(b) with § 87(2)(b) and § 87(2)(b) and was searched as well. However, this investigation chose to disregard his statement because his mother § 87(2)(b) said that as the officers went to grab him, she pulled him away. § 87(2)(b) held that an officer grabbed § 87(2)(b) by the throat. He also said that Officer Ebanks (identified as the only black officer on the scene) cursed a lot. § 87(2)(b) did not view a photo array.

§ 87(2)(b)  
§ 87(2)(b) said that they had not been outside all day, and there had not been any people hanging out outside her house at § 87(2)(b). Unidentified officers put § 87(2)(b) and § 87(2)(b) against the low wall, but not § 87(2)(b). On August 10, 1999, she said that Officer Lapointe might have searched either § 87(2)(b) or § 87(2)(b). When § 87(2)(b) said "Yo that's my son," an unidentified officer said "Shut the fuck up." § 87(2)(b) said "No, you shut the fuck up asshole, those are my kids." An officer, identified to be Lieutenant Denesopolis on August 10, 1999 said "Mind your fucking business." § 87(2)(b) asked for shield numbers, but another unidentified officer told him to shut up. The officers held § 87(2)(b) and § 87(2)(b) against the inside of the wall on photo 2 (encl. 44a) and searched them. § 87(2)(b) held that Officer Kelly squeezed § 87(2)(b) throat, while Officer Ebanks held his arms; she reiterated this after viewing a photo array on August 10, 1999. As the officer walked § 87(2)(b) to the prisoner van, he told them that he had just had an operation, but the officer answered "We don't give a fuck." On June 15, 1999, she said that Lieutenant Denesopolis told § 87(2)(b) "I don't give a fuck about your knee." The van was parked behind § 87(2)(b), in a parking lot.

§ 87(2)(b)  
§ 87(2)(b) parked her car in the parking lot in front of 45 Holland Avenue, she noticed officers pushing four teenage boys (§ 87(2)(b), § 87(2)(b), § 87(2)(b), § 87(2)(b)), § 87(2)(b) up against the small

wall in front of § 87(2)(b). § 87(2)(b) and § 87(2)(b) emerged and told the officers to stop pushing the boys. Officer Ebanks (the black officer) started to push § 87(2)(b) back and said, "Shut up. I ain't trying to fucking hear you." An unidentified officer then grabbed § 87(2)(b) and took him around the corner, to § 87(2)(b). § 87(2)(b) followed. Two unidentified officers were holding onto § 87(2)(b) neck. § 87(2)(b) § 87(2)(b) appeared to be trying to pull himself back, but he was not hitting the officer. § 87(2)(b) could not see what he had in his hands. § 87(2)(b) kept saying, "Please get off my son. I know my kids." Unidentified officers were cursing at § 87(2)(b) but § 87(2)(b) could not say what specifically. The black officer handcuffed § 87(2)(b) and he was then placed into a white van.

§ 87(2)(b)  
§ 87(2)(b) arrived at the 120<sup>th</sup> Precinct at approximately 5 PM to wait for § 87(2)(b). When § 87(2)(b) arrived, § 87(2)(b) pointed out Officer Villarreal, who had squeezed his neck. § 87(2)(b) approached Officer Villarreal (identified from photo arrays) and told him that she wanted his badge number. § 87(2)(b) asked again but he laughed and walked away. When she asked Officer Lapointe (identified from photo arrays) for his badge number and he identified himself as Officer Lapointe. The next day (January 22, 1999) at the courthouse, she saw Officer Villarreal again. She asked him for his badge number, but he would not provide it. Finally, an unidentified sergeant went around the courthouse, until he found Officer Villarreal and Officer Ebanks (she identified his photo on August 10, 1999). Officer Ebanks provided his shield number, but Officer Villarreal only gave his name.

§ 87(2)(b)  
§ 87(2)(b) was in the prisoner van with § 87(2)(b). § 87(2)(b) was complaining about having had surgery and of pain. § 87(2)(b) did not hear the officers curse ("Fuck your knee" "Fuck your leg" or "Fuck your civil rights"). When § 87(2)(b) asked to go to the hospital, the officers in the van told him "You have to wait." At the 120<sup>th</sup> Precinct, § 87(2)(b) saw one of § 87(2)(b)'s son with tape on his neck. The son's mother approached an officer and said "I want HIV tests. I want your badge number. You cut my son." The officer laughed it off and told the woman "You have to get out of here." § 87(2)(b) did not view a photo array.

#### Other civilian witnesses

In addition to § 87(2)(b) there were three other individuals in the prisoner van with § 87(2)(b) including: § 87(2)(b), § 87(2)(b) and § 87(2)(b). Several attempts were made to contact them by phone and by mail; however no one responded to conduct an interview with this Investigator.

#### Lieutenant John Denesopolis

After an unsuccessful buy and bust operation, Lieutenant Denesopolis and his partner, Officer Ebanks, set up an observation post by § 87(2)(b). Lieutenant Denesopolis observed a group of approximately five males (one male white, 4 male blacks), who appeared to be involved in drug transactions, for about a half an hour. The males then hid something in a brick wall (by § 87(2)(b) photo 1). They then split, and some walked over to the front of § 87(2)(b) (photo 2). They radioed for their team to move in; Lieutenant Denesopolis could not recall what specifically was said over the radio.

Lieutenant Denesopolis said that the field team stopped both sets of males. Officer Villarreal and Detective Gulotta stopped two or three men around the corner from § 87(2)(b) (far left corner on photo 2). He could not recall if they frisked anyone. Meanwhile, the prisoner van pulled up in front of § 87(2)(b). The officers in the van, Officer Lapointe and Officer Kelly, stopped two men in front of § 87(2)(b). Officer Lapointe might have frisked the males, but did not search them. He instructed Officer Lapointe and Kelly to escort the men over to the front § 87(2)(b) (photo 2), so that they would all be in the same area. He did not know if the males were frisked again, since he returned to § 87(2)(b).

Lieutenant Denesopolis identified himself by rank and name, and told him to wait until the investigation was finished. He did not make any physical contact with § 87(2)(b) Lieutenant Denesopolis walked to § 87(2)(b) to look for drugs stashed in the brick wall. He heard § 87(2)(b) yelling and noticed that a crowd was beginning to form. When he came back to § 87(2)(b) he saw Officer Ebanks handcuffing § 87(2)(b). Officer Ebanks told him that § 87(2)(b) had started swinging his cane. Someone came up to § 87(2)(b) in order to take some property from him, but Lieutenant Denesopolis would not allow it. He could not recall an officer grab the male. He did not see Officer Villarreal grab the male or put his hand on the male's neck. § 87(2)(b) complained of injuries as Officer Ebanks and Lieutenant Denesopolis brought him to the prisoner van. Officer Kelly drove the van around and parked it behind § 87(2)(b) (behind photo 2). They placed § 87(2)(b) into the van and left the scene. Lieutenant Denesopolis said that because of the crowd, the officers could not complete their investigation into the drug transaction. At the 120<sup>th</sup> Precinct, Lieutenant Denesopolis could not recall if there was a group of people waiting for § 87(2)(b) § 87(2)(b) was later taken to the hospital after having complained about his leg. Lieutenant Denesopolis directed the officers to prepare stop and frisk reports. He said that he did not hear any officer use any profanities; including, "Shut the fuck up," "Mind your fucking business," "Fuck your knee. Fuck your cartilage," or "Fuck you." He did not hear Officer Ebanks, Officer Villarreal or Officer Lapointe refuse to provide their shield numbers to anyone at any point.

#### **Officer Brian Ebanks**

Officer Ebanks stated that he was with Lieutenant Denesopolis in an unmarked rental vehicle, preparing for a buy/bust operation. From the common courtyard, they observed two males with packaging that looked like narcotics packaging, which they placed inside a cinder block wall in the vicinity of the location. Shortly thereafter, another male (white or Hispanic, someone on the team recognized him as a known drug abuser) approached them and there was what appeared to be a hand-to-hand transaction taking place. He said they observed them for 2 to 30 minutes. He had not heard a "shots fired" call over the radio. Officer Ebanks and Lieutenant Denesopolis radioed the field team descriptions of the individuals, and then moved in. Officer Ebanks and Lieutenant Denesopolis approached the individuals in a common lot, between the houses, and questioned them. Three males were frisked; Officer Ebanks frisked one, but could not recall if they were searched. He could not recall who assisted him. He stated that a UF 250 would be logged at the ND-SII's command. Officer Ebanks said that when § 87(2)(b) arrived he told him that they were conducting an investigation. He did not curse and did not say "Shut the fuck up" or "Mind your fucking business." Lieutenant Denesopolis briefly said something, but did not tap § 87(2)(b) with his radio. Officer Ebanks said that officers moved the three men that had been stopped from the common court and the town house (photo #1, encl. 44a) to § 87(2)(b) (identified on photo #2). § 87(2)(b) followed them around. Officer Ebanks could not remember if the men were frisked a second time in front of § 87(2)(b). Officer Ebanks said that when it looked like § 87(2)(b) was going to swing someone with his cane, he arrested him, with the help of Detective Gulotta. A male came up and snatched property from § 87(2)(b). Officer Ebanks was turned so that he could not see which officer it was who approached the individual. Eventually, the male stepped away on his own. Officer Ebanks stated that it felt as if the crowd was gathering in and he felt the urgency to leave the scene as quickly as possible. An officer called a "10-85," for assistance. Officer Ebanks led § 87(2)(b) to the prisoner van. § 87(2)(b) was complaining about his leg "Ow, my leg hurts. I just had motherfucking surgery. What the fuck are you cops all pulling me down the fucking street for?" Officer Ebanks told him to stop dragging his feet. He said that he did not say "Fuck your knee. Fuck your cartilage." Officer Ebanks said that he did not notice any of § 87(2)(b) family members at the 120<sup>th</sup> Precinct. He said that when § 87(2)(b) asked for his shield number, he provided it to him.

Officer Ebanks was § 87(2)(b) s arresting officer. § 87(2)(b) was arrested for § 87(2)(a) 160.50  
§ 87(2)(b) (encl. 29a). Per the OLBS sheet (encl. 28a), Officer Ebanks noted: "§ 87(2)(a) 160.50  
§ 87(2)(b)"

### **Officer Victor Villarreal**

Officer Villarreal was in a rental vehicle with Officer Gulotta, when an officer radioed a description of an individual who had been handling drugs. They were in the vicinity of § 87(2)(b) doing a "case buy." Officer Villarreal said that a case buy is slightly different and a little more detailed than a buy-and-bust, but involves the undercover officers. He did not know where the team's undercover officers had been at the time. Officer Villarreal was first to arrive in front of § 87(2)(b), with Officer Gulotta. He identified the suspect and yelled "Excuse me. Police. Stop." When the individual saw the officers, he ran into § 87(2)(b). By the doorway, he took something from his waistband and threw it onto the ground. When he came out Officer Villarreal asked him what he had thrown; he answered "Nothing." At that point, his mother came out and started yelling "You motherfuckers. Leave my son alone." Right thereafter, § 87(2)(b) arrived and approached the officers, yelling. Officer Villarreal stopped concentrating on the individual they had been pursuing, and could not recall if Officer Ebanks frisked anyone. He said that he himself did not frisk anyone. Standing in front of § 87(2)(b) § 87(2)(b) was waving his cane and screaming to the crowd, "Come down. Get these motherfucking cops out of here. They don't belong here. Stop harassing us. Let's get them out of here. Kick their asses." Initially, Officer Villarreal felt the cane was directed specifically at him. He could not recall how the officers moved from standing in front of § 87(2)(b) to § 87(2)(b); he thought maybe the stopped individual went voluntarily. § 87(2)(b) was placed under arrest. Approximately 30 to 40 people gathered around making the scene hazardous to the officers. When asked whether § 87(2)(b)'s son stepped in to grab something from him Officer Villarreal said that he thought it was the original subject, who took something out of § 87(2)(b)'s pocket. Someone, presumably an officer, told the individual "Give it back," which he did voluntarily. Officer Villarreal could not recall if the individual began acting belligerent. Officer Villarreal said that he himself made no physical contact with the individual and did put his hand on his neck at any point. He did not hear any officer use profanities against § 87(2)(b). He did not hear, "Shut the fuck up," "Mind your fucking business" or "Fuck your knee." § 87(2)(b) was placed into the prisoner van. Officer Villarreal could not recall who brought § 87(2)(b) over to the van, nor if § 87(2)(b) complained about his knee. Nobody asked him for his shield number. He said that the scene developed into a volatile situation and there was a sense of urgency in leaving the location.

### **Officer Joseph Gulotta**

Detective Gulotta said that Officer Villarreal and him were not the first on the scene. When they arrived, he approached Lieutenant Denesopolis and Officer Ebanks in front of § 87(2)(b) in order to assist with the males they had already stopped. He could not recall where Officer Villarreal was. Officer Lapointe and Officer Kelly were in the prisoner van which was parked somewhere in the area. When § 87(2)(b) arrived, Lieutenant Denesopolis went to talk to him and tried to calm him down. Detective Gulotta could not see if Lieutenant Denesopolis touched § 87(2)(b) in any way. Detective Gulotta did not have time to frisk any of the males since he began to deal with § 87(2)(b) after he got out of the van. He thought maybe Officer Ebanks had frisked them. Somehow, the incident moved to the courtyard of § 87(2)(b) (photo 2). Lieutenant Denesopolis was moving between the location in photo 1 and in photo 2. § 87(2)(b) followed them around, and continued to act belligerent. Officer Ebanks asked him to calm down and tried to explain the situation to him. A crowd of approximately 15-20 people began to gather around them. Officer Ebanks decided to arrest § 87(2)(b) and Detective Gulotta assisted in placing § 87(2)(b) under arrest and handcuffing him. A male came forward and removed some property from § 87(2)(b). Detective Gulotta took the property, a wallet and keys, from the male. Because the male was not cooperating and was arguing, Detective Gulotta grabbed his hand and collected the property. Officer Villarreal was not present at this time. Detective Gulotta did not see Officer Villarreal put his hand on the male who stepped in. Detective Gulotta denied that Officer Ebanks and Officer Villarreal used any profanities. He did not hear anyone ask the officers for shield numbers. Conclusively, Detective Gulotta and Officer Ebanks removed § 87(2)(b) to the prisoner van, which was parked in the parking lot in front of § 87(2)(b). Detective Gulotta could not remember Officer Lapointe and Officer Kelly ever getting out of the van. The officers left the scene. Eventually they returned to the 120<sup>th</sup> Precinct.

Detective Gulotta assisted § 87(2)(b) into the precinct. § 87(2)(b) was apologizing to Detective Gulotta for being hotheaded. Inside the precinct there were 2-3 people waiting for § 87(2)(b). He did not hear any of the individuals voice any allegations of force against the officers. Later, he told Detective Gulotta that he wanted to go to the hospital. Detective Gulotta told Lieutenant Denesopolis and they went to the hospital.

#### **Officer Andrew Lapointe**

Officer Lapointe was the prisoner van operator. During the incident with § 87(2)(b) he was watching the prisoner van. He parked the prisoner van behind § 87(2)(b). He said that he not seen § 87(2)(b) prior to Officer Ebanks escorting him to the prisoner van. He did not hear Officer Ebanks curse at § 87(2)(b) or say "Shut the fuck up," "Mind your fucking business," or "Fuck your knee. Fuck your cartilage." A couple of people were following § 87(2)(b) to the p- van and it began to feel like a hostile situation. Inside the prisoner van, § 87(2)(b) said something about having a problem with his knee. Officer Lapointe did not see this as a complaint, but merely a statement. While in the prisoner van, he did not hear § 87(2)(b) request medical attention of either himself or Officer Kelly. Officer Lapointe said that § 87(2)(b) asked to go to the hospital later; at which time, he and Officer Villarreal escorted § 87(2)(b) to the hospital. At the 120<sup>th</sup> Precinct, there were people waiting for § 87(2)(b). He had a brief interaction with them. Officer Lapointe could not recall exactly what they discussed, but when asked for it he provided them with his name and shield number.

#### **Officer James Kelly**

Officer Kelly was assigned as the recorder in the prisoner van, with Officer Lapointe. They were parked approximately a block and a half away from the rear of § 87(2)(b). He did not leave the van, since he was assigned to guard a prisoner. Officer Kelly could not see any of what had been happening between the officers and the civilians; he had not seen any officer search any individual by § 87(2)(b). The field team radioed for the prisoner van to pick up § 87(2)(b). They pulled up and there was a crowd of people. Detective Gulotta, Officer Ebanks and Officer Villarreal walked § 87(2)(b) over to the van placed him inside. § 87(2)(b) was holding his cane. Officer Kelly said that it did not seem as if § 87(2)(b) was being dragged. § 87(2)(b) told Officer Kelly that he had fucked up; but did not complain about his knee or about his shoulder. Officer Kelly did not hear any officer curse at § 87(2)(b) as he was walked over to the prisoner van; he did not hear anyone say "Fuck your civil rights." § 87(2)(b) did not ask for an ambulance. § 87(2)(b) did not ask Officer Kelly for his shield number. The officers returned to the precinct, and Officer Kelly left. He had been working as a substitute for the team that day. After the prisoners were taken into the precinct, Officer Kelly stayed behind and cleaned out the van.

#### **Medical Documents**

The medical documents from § 87(2)(b), which were recorded on § 87(2)(b) list § 87(2)(b). § 87(2)(b) chief complaint as "They squeezed my neck" (encl. 17e). Furthermore, the document states that § 87(2)(b) § 87(2)(b) complained that a "narcotics cop dug his fingernails into his neck" (encl. 17f). The diagnostic impression lists "puncture wound neck" and "alleged physical assault (encl. 17f). The attending physician's notes are that § 87(2)(b) sustained "superficial lacerations" (encl. 17f).

#### **Police Documents**

A sprint index (encl. 42a) was obtained in order to locate either the 10-85 (officer in need of assistance) that Officer Ebanks said an unidentified officer called, or a call of shots fired that § 87(2)(b) said that an officer told him about. However, although a number of radio runs (encl. 42b-f) were requested, none of them were relevant to this incident. Requests were sent to the 120<sup>th</sup> Precinct and to Narcotics Division – Staten Island Initiative (ND-SII). The 120<sup>th</sup> Precinct's stop and frisk log indicated that no reports were filed pertaining to § 87(2)(b) or § 87(2)(b). § 87(2)(b) ND-SII returned the request, stating that no stop and frisk reports are filed at that command.

### Conclusions and Recommendations

§ 87(2)(b) came to the CCRB for an interview and for a photo array, several months later. He readily agreed to conduct a second photo array, on Staten Island, and gathered his family for it. § 87(2)(b) has also enlisted a lawyer to file a civil suit against the City of New York, pertaining to this incident. No documents have been filed as of February 20, 2000.

§ 87(2)(g)

§ 87(2)(b) said that Officer Villarreal and Detective Gulotta searched the males in front of § 87(2)(b). While § 87(2)(b) and § 87(2)(b) held that Officer Lapointe grabbed § 87(2)(b) in front of § 87(2)(b), § 87(2)(b) said that Officer Kelly was not by § 87(2)(b), but § 87(2)(b) said that he did see him at that location. § 87(2)(b) and § 87(2)(b) said that Officer Ebanks held § 87(2)(b) while Officer Villarreal grabbed his neck; but, § 87(2)(b) held that it was Detective Gulotta. In addition, § 87(2)(b) felt it was Officer Kelly who choked § 87(2)(b) but, this was contradicted by § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) who all stated that it was Officer Villarreal. § 87(2)(g)

§ 87(2)(g)

Lieutenant Denesopolis said that Officer Villarreal and Detective Gulotta stopped three men by § 87(2)(b), while Officer Kelly and Officer Lapointe stopped and searched two men by § 87(2)(b). Officer Ebanks held that Lieutenant Denesopolis and he were the first to approach the individuals in a common lot between the houses. Officer Villarreal contradicted them when he said that he was the first officer on the scene. Detective Gulotta's § 87(2)(g) said that he and Officer Villarreal were not first on the scene. Detective Gulotta held that they approached Lieutenant Denesopolis and Officer Ebanks, who had already stopped the individuals in front of § 87(2)(b). Officer Lapointe and Officer Kelly stated that they did not respond to the front of § 87(2)(b), as Lieutenant Denesopolis suggested, but parked the prisoner van behind § 87(2)(b) and waited for the field team to bring over the prisoner. Detective Gulotta corroborated their statement.

§ 87(2)(g)

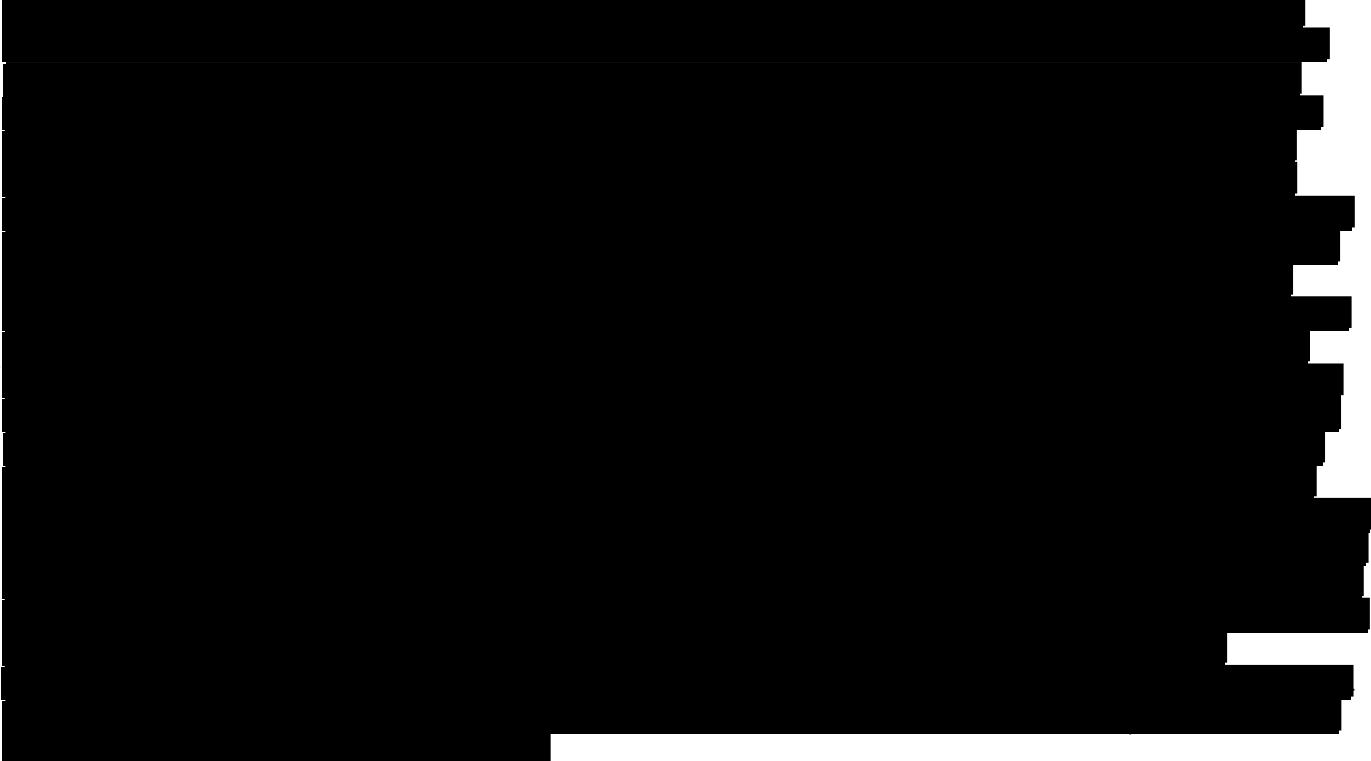
### ***Allegations A and B***

***Abuse of Authority: Lieutenant John Denesopolis detained § 87(2)(b) (PG. 116-33)***

***Abuse of Authority: Lieutenant John Denesopolis detained § 87(2)(b) and § 87(2)(b) said that they walked out of § 87(2)(b) and two officers grabbed § 87(2)(b) (PG. 116-33)***

them. They said that they had been inside the building all day, prior to coming outside. § 87(2)(b) corroborated this, and added that there had not been anyone outside § 87(2)(b). § 87(2)(b) and § 87(2)(b) stated that as they drove up in front of the house, they saw that two officers had stopped § 87(2)(b) and § 87(2)(b). § 87(2)(b) said that Officer Kelly told him that there had been a call for shots fired, and that § 87(2)(b) and § 87(2)(b) fit the description. Officer Kelly said that he never got out of the prisoner van, and his only interaction with § 87(2)(b) was getting his pedigree information through the "window" in the van.

According to Kamin's *Search and Seizure* (encl. 1A), an officer must have "reasonable suspicion that the person is committing, has committed or is about to commit a crime." § 87(2)(g)



§ 87(2)(g)

Kamin's *Search and Seizure* (encl. 1A) stated that an officer must have "specific and articulable facts which reasonably prompted the stop." § 87(2)(g)  


#### *Allegations C, D, E, and F*

*Abuse of Authority: Officer Victor Villarreal searched § 87(2)(b) (PG. 116-33)*

*Abuse of Authority: Officer Victor Villarreal searched § 87(2)(b) (PG. 116-33)*

*Abuse of Authority: An officer searched § 87(2)(b) (PG. 116-33)*

*Abuse of Authority: An officer searched § 87(2)(b) (PG. 116-33)*

On January 21, 1999, in the civilian complaint reports, § 87(2)(b) and § 87(2)(b) held that they had been stopped by officers, but did not mention that they were searched. On January 29, 1999, during their CCRB

statements, they both held that two officers searched into their pants and jacket pockets. § 87(2)(g)

§ 87(2)(b) stated that the second officer was Detective Gulotta, and § 87(2)(b) said it was Officer Lapointe. However, § 87(2)(b) and § 87(2)(b) held that Officer Lapointe was not in front of § 87(2)(b). Officer Lapointe also said that he never in front of § 87(2)(b). § 87(2)(g)

§ 87(2)(b) said that Officer Lapointe might have detained § 87(2)(b) or § 87(2)(b)

On August 10, 1999, § 87(2)(b)

§ 87(2)(g) Officer Ebanks stated that he frisked one of the stopped individuals while another officer frisked two others. The civilians held that Officer Ebanks was not involved with the alleged search, but was standing to the side. Officer Villarreal said that immediately after stopping the suspects his attention shifted to § 87(2)(b) he did not search anyone.

§ 87(2)(g)

#### ***Allegation G***

#### ***Discourtesy – Officer Brian Ebanks spoke obscenely towards § 87(2)(b) (PG. 104-01)***

§ 87(2)(b) said that as he pulled up to § 87(2)(b) and approached the officers who had stopped his sons. When he started calling to the officers that the males who had been stopped were his sons, Officer Ebanks told him to "Shut the fuck up" and "Mind your fucking business." He identified Officer Ebanks in a photo viewing on June 15, 1999, for having made the previously mentioned statements. § 87(2)(b) and § 87(2)(b) stated that they heard Officer Ebanks say "Shut the fuck up;" they both identified Officer Ebanks in the photo array on August 10, 1999. § 87(2)(b) said that after § 87(2)(b) said "Yo that's my son," and officer she could not identify said "Shut the fuck up." Officer Ebanks denied cursing at § 87(2)(b). The other officers all stated that they did not hear Officer Ebanks make such statements.

§ 87(2)(g)

#### ***Allegation H***

#### ***Force – Officer Villarreal used physical force against § 87(2)(b) (PG 104-01)***

§ 87(2)(b) stated that after Officer Ebanks handcuffed § 87(2)(b) he went to collect some car keys and a wallet from him. An unidentified officer said something to the effect of "Your father tried to make it hard on us, we're going to make it bad on you." § 87(2)(b) said that he had initially been under the impression that it would be all right for him to retrieve the property from § 87(2)(b). However, after the unidentified officer made the comment, Officer Ebanks grabbed his arms and Officer Villarreal grabbed onto his neck and squeezed it

until he dropped the keys and wallet. Officer Villarreal broke § 87(2)(b) skin, and the wound began bleeding. He sought medical attention. The medical documents from § 87(2)(b), which were recorded on § 87(2)(b) list § 87(2)(b) chief complaint as "They squeezed my neck" (encl. 17e). Furthermore, the document states that § 87(2)(b) complained that a "narcotics cop dug his fingernails into his neck" (encl. 17f). The diagnostic impression lists "puncture wound neck" and "alleged physical assault (encl. 17f). The attending physician's notes are that § 87(2)(b) sustained "superficial lacerations" (encl. 17f). He was treated with a salve and released; he returned to the 120<sup>th</sup> Precinct to wait for § 87(2)(b). When § 87(2)(b) arrived at the precinct, he was with another prisoner, § 87(2)(b) § 87(2)(b) stated that he saw one of § 87(2)(b)'s sons with tape around his neck. All of the civilians who were interviewed for this investigation corroborated that an officer grabbed onto § 87(2)(b) neck, and tried to choke him. Upon viewing photo arrays, § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) all identified Officer Villarreal as the subject officer of this allegation.

§ 87(2)(g) The officers all stated that a male approached § 87(2)(b) in order to retrieve some property. Lieutenant Denesopolis could not recall if someone grabbed the male, but held that Officer Villarreal did not grab him or put his hands on his neck. Officer Ebanks said that he his back was turned and he did not observe which officer approached the male. § 87(2)(g)

§ 87(2)(g) Officer Villarreal said that one of § 87(2)(b)'s sons moved in to take something out of his pocket. At that time, an unidentified officer said "Give it back," and § 87(2)(b)'s son did so voluntarily. Officer Villarreal said that he had no physical contact with the male, and did not put his hand on his neck. Detective Gulotta § 87(2)(g) explained that because the individual who approached § 87(2)(b) to get some property would not give it back voluntarily, he grabbed his hands and collected the item. Detective Gulotta held that Officer Villarreal was not in the area when this happened. § 87(2)(g) Officer Lapointe and Officer Kelly said that he had been waiting by the prisoner van, which was parked a block and a half away from the rear of the buildings § 87(2)(b). Officer Kelly said that he did not leave the van, because he was guarding the one prisoner who was inside the van. § 87(2)(g)

§ 87(2)(g)

#### ***Allegations I, J, K, L, and M***

***Abuse of Authority – Detective Joseph Gulotta did not provide his shield number. (PG 104-01)***

***Abuse of Authority – Officer James Kelly did not provide his shield number. (PG 104-01)***

***Abuse of Authority – Officer Victor Villarreal did not provide his shield number. (PG 104-01)***

***Abuse of Authority – Officer Brian Ebanks did not provide his shield number. (PG 104-01)***

***Abuse of Authority – Officer Andrew Lapointe did not provide his shield number. (PG 104-01)***

§ 87(2)(b) and § 87(2)(b) stated that they asked "all" of the officers for their shield numbers, but no one would provide it to them. § 87(2)(b) corroborated that § 87(2)(b) asked several officers, and while some ignored him others answered "no." Lieutenant Denesopolis stated that he did not hear the officers deny anyone their shield numbers. This investigation could not prove whether § 87(2)(b) asked Officer Kelly and Detective Gulotta for their shield numbers directly. Both officers said that they did not hear § 87(2)(b) ask for shield numbers. § 87(2)(g)

§ 87(2)(b) was not present at § 87(2)(b), but went to the 120<sup>th</sup> Precinct with § 87(2)(b) § 87(2)(b). § 87(2)(b) and § 87(2)(b) to wait for § 87(2)(b). When Officer Villarreal came in, § 87(2)(b) § 87(2)(b) pointed him out to § 87(2)(b) as the officer who grabbed his throat. § 87(2)(b) said that she asked him for his shield number, but laughed at her. § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) corroborated this. § 87(2)(b) was being led into the precinct from the prisoner van at the time. He stated that he heard a woman, identified as § 87(2)(b) (he claimed she was § 87(2)(b) son's mother), say "I want you badge number. You cut my son." However, the officer laughed at her and said "You have to get out of here." § 87(2)(b) explained that the next day, January 22, 1999, they went to the courthouse for § 87(2)(b). She saw Officer Villarreal again, and was able to get another unidentified officer to chase after him, and finally get his name. Officer Villarreal would not give his shield number. Officer Villarreal held that no one, not even at the courthouse the next day, asked him for his shield number. § 87(2)(g)

Officer Lapointe stated that members of § 87(2)(b)'s family were waiting in the 120<sup>th</sup> Precinct. When they asked for his shield number, he provided it to them. Officer Ebanks said that when § 87(2)(b) asked for his shield numbers, he provided it. However, § 87(2)(b) said that she got Officer Ebanks' in the courthouse, on January 22, 1999. § 87(2)(g)

#### ***Allegations N and O***

***DisCourtesy – Officer Andrew Lapointe spoke obscenely towards § 87(2)(b) (PG 104-01)***

***Abuse of Authority – Officer Andrew Lapointe did not obtain medical treatment for § 87(2)(b) (PG 104-01)***

§ 87(2)(b) stated that inside the prisoner van, he asked Officer Lapointe take him to the hospital; this was because his knee, which he recently had surgery on, was hurting. However, Officer Lapointe refused to take him and answered, "Fuck your knee" and "Fuck your cartilage." When § 87(2)(b) told him that he was violating his civil rights, Officer Lapointe allegedly said, "Fuck your civil rights." He made these allegation both in his written statement and in his CCRB interview. On June 15, 1999, he stated that when Officer Lapointe made these statements there was only one other prisoner in the van: a white male, with long hair in his 30's. Only one of the other arrestees in the prisoner van was interviewed for this investigation. § 87(2)(b) § 87(2)(b) does not fit the description that § 87(2)(b) provided of the one other prisoner in the van. While attempts were made to contact the other arrestees, they were either unattainable or uncooperative. § 87(2)(b) stated that he did not hear any of the officers in the prisoner van curse or deny § 87(2)(b) medical attention. There are no civilian statements to corroborate these allegations. Officer Lapointe denied making any of the alleged statements. He said that § 87(2)(b) expressed discomfort with his knee, but said this sounded more like a statement than a complaint. He added that § 87(2)(b) was taken to the hospital from the 120<sup>th</sup> Precinct. This was corroborated by the medical treatment of prisoner slip (encl. 39a) which states that § 87(2)(b) was taken for treatment of past injuries. Officer Kelly held that he did not hear Officer Lapointe make any of the alleged statements.

§ 87(2)(g)

Investigator:

*Ohman*

Date:

*3-2-00*

Supervisor:

Date:

Reviewed by:

*Richard A. Conner*

Date:

*3-2-00*